

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
MARSHALL DIVISION**

**MICHAEL JOSEPH FALCON,**  
*Individually and as Guardian of the  
Person and Estate of  
Kelleigh Terran Falcon and as  
Next Friend for Kierra Falcon and  
Kelese Falcon, Minor Children,*

**Plaintiff,**

**JAMES WALKER, Individually and as a  
representative of the Estate of VIRGINIA  
MARIE WALKER,**

**Intervenor,**

**V.**

**PROFESSIONAL CARRIER SERVICE,  
INC., et al.,**

**Defendants.**

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**CIVIL ACTION NO. 2:03-CV-419 (DF)  
JURY**

**MEMORANDUM ADOPTING REPORT AND RECOMMENDATION**  
**OF THE UNITED STATES MAGISTRATE JUDGE AND ENTERING ORDER**

The Court referred the above-entitled and numbered civil action to United States Magistrate Judge Caroline M. Craven for an August 25, 2005 hearing to address: Defendant's Motion For Dismissal For Want of Prosecution (Doc. No. 76); Plaintiffs' Motion to Enforce Award of Arbitrator (Doc. No. 83); and a prove-up hearing on the plaintiff minor children's claims.

The Magistrate Judge presented for consideration the August 26, 2005 Magistrate Judge's Report and Recommendation, containing a number of findings, conclusions, and recommendations for resolving many of the outstanding case issues (Doc. No. 91). No objections were filed.

The Court is of the opinion that the findings and conclusions of the Magistrate Judge are

correct and that the recommendations of the Magistrate Judge are well taken. Therefore, the Court hereby ADOPTS the findings and conclusions of the Magistrate Judge as the findings and conclusions of this Court.

It is further ORDERED that:

1) Movant Underwood's Motion to Enforce the May 6, 2005 Award of Arbitrator is GRANTED. No payment of money according to the May 6, 2005 Award of Arbitrator shall be made to any party until such time as this Court approves and finalizes the details of the settlement to all parties and issues further orders concerning the distribution of money to all parties and their respective attorneys as necessary to complete the enforcement of the arbitration.

2) Defendants' Motion For Dismissal For Want of Prosecution is GRANTED; Michael Joseph Falcon's claims as an individual and as the guardian of the person and estate of Kelleigh Falcon, and next friend of Kierra and Kelese Falcon is dismissed with prejudice.

**SIGNED this 13th day of September, 2005.**

  
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DAVID FOLSOM  
UNITED STATES DISTRICT JUDGE